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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,448	11/21/2001	Adrian Velthuis	08011.3012-00	1416

22852 7590 10/02/2008

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EXAMINER	
CARLSON, JEFFREY D	
ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
10/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/989,448	VELTHUIS ET AL.	
	Examiner	Art Unit	
	Jeffrey D. Carlson	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 7-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 7-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the paper(s) filed 6/19/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-3, 7-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kominek et al (US7213027) in view of Greenberg et al (WO 00/39657).**

3. Regarding claims 1, 7-9, 21, Kominek et al teaches the term “speak through" as referring to users requesting delivery of more information upon presentation of an advertisement. Kominek et al teaches that this term also applies to users browsing the world wide web and clicking on a banner to find out more information. Such interaction (speak throughs) can also be implemented to collect an email address or custom phone number for the advertiser to send more information to a customer [32:4-20]. Kominek et al does not teach the additional information could include coupons sent to the user’s phones. Greenberg et al (WO 00/39657) however teaches the concept of delivering redeemable coupons to interested cell phone users [abstract]; the user simply takes his cell phone to a retailer and may redeem the coupon by displaying information concerning the coupon [fig 3D, fig 4]. It would have been obvious to one of ordinary skill at the time of the invention to have provided the interactive banner ads of Kominek et al

with the ability to allow input of a cell phone number so that the interested user could receive a coupon. In this manner, one of ordinary skill would recognize that such a user could predictably enjoy a paperless and mobile coupon, conveniently redeemable for the advertised product. Greenberg et al teaches that the coupon is sent as a packet over a cellular network [2:17-21] in conformance with cellular standards such as IS-136. Greenberg et al describes that the coupon can be delivered with technology known as Mail Push™ [7:7-13]. The system delivers the coupons to the user's cell phones as identified by cellular phone number [11:19-23]. Simply describing the coupon data as being transmitted to the phone inherently indicates that the coupon data is "formatted" according to a specification of the cell phone; the coupon data must be formatted in a manner so that the phone can properly receive and make sense/use of the data message. It would have been obvious to one of ordinary skill at the time of the invention to have delivered the coupons in the manner as described by Greenberg et al so that an interested user could receive a coupon for an advertised product, for example.

4. Regarding claims 2, 10, Greenberg et al (WO 00/39657) teaches that the providers of the coupons may limit transmission of coupons to users provided a maximum predetermined number of coupons has not yet been delivered [4:15-19].

5. Regarding claims 3, 11, at least fig 3C of Greenberg et al (WO 00/39657) teaches displaying a subset of coupon information.

6. Regarding claims 12-14, receiving an identifier and delivering information to such a recipient can be taken to be provided by a web server and an ad server, even if

accomplished by the same hardware having a plurality of programmed functions (servers). A database of ads and coupons can be taken to be an "ad server" which provides (or "forwards") the stored content to the "web server" responsible for maintaining the connection session with the user and delivery of the queried/extracted database information. Further, Kominek et al teaches that in the context of a banner ad on the WWW, an outside source may be used to mange and audit customer information. Further, official notice is taken that it is well known that web servers cooperate with ad servers in order to deliver information to users from a plurality of separately managed sources. It would have been obvious to one of ordinary skill at the time of the invention to have provided the banner ad from a web server and the coupons from a coupon (or "ad server").

7. Regarding claims 15-17, the use of Greenberg et al's Mail Push™ to deliver a coupon is taken to provide the coupon as an electronic mail message.

8. Regarding claims 18-20, Greenberg et al teaches that the coupon database stores user information including the user's cellular phone number [6:18-21, 13:14-23]. Each user's cellular telephone number is taken to be representative of their wireless (cellular) carrier. Further, when the system delivers the coupon through user's cellular carrier's network in accordance with the identifier (cellular phone number) of the cell phone, this is also taken represent comparison of the identifier with a database of carriers so that the coupon is properly routed to the user using the proper carrier's network. It would have been obvious to one of ordinary skill at the time of the invention to have delivered coupons to requesting Sprint™ users via the Sprint network and to

have delivered coupons to requesting Verizon™ users via the Verizon network, for example.

Response to Arguments

Applicant argues that Greenberg et al does not include or suggest in response to receipt of an identifier, a coupon is formatted according to a specification of the second computer. Examiner disagrees as stated above. Successfully delivering an electronic message to a receiving device inherently requires proper "formatting" of the message according to a protocol. Further, Greenberg et al teaches cellular standards as well as Mail Push™.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Monday-Fridays; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey D. Carlson/
Primary Examiner, Art Unit 3622

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jdc